

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolak et al.

Docket No.: P1292

Application No: 09/915,184

Group: 2828

Filed: 07/24/2001

Examiner: J. M. [unclear]

For: TRACKING ERROR SUPPRESSION AND
METHOD OF REDUCING TRACKING ERROR

MAY 15 2003

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL REJECTION OVER A PENDING SECOND APPLICATION
Under 37 CFR 1.321

Sir:

The owner, JDS Uniphase Corporation, of 100 percent interest in the instant application, said interest being recorded under assignment reel/frame No. 012469/0071 of application serial number 09/915,184 filed 07/24/2001, for an invention entitled "Tracking Error Suppression and Method of Reducing Tracking Error," hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/915,186, filed on July 24, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record, and authorizes the Commissioner to charge the fee under 37 CFR 1.20(d) to USPTO Deposit Account No. 50-0891.

TERMINAL DISCLAIMER
APPROVED

MAY 15 2003

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Respectfully submitted,

Scott W. Hewett
Reg. No. 41,836Sharon S. Hoppe
SHARON S. HOPPEScott W. Hewett, Esq.
400 West Third Street, No. 200
Santa Rosa, CA 95401
Tel: (707) 591-0789
Fax: (707) 591-0392PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800

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